

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

DAVID AND BARBARA STULTS,

Plaintiff,

vs.

AMERICAN POPCORN CO., et al.,

Defendants.

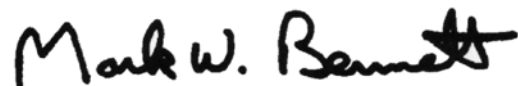
No. C11-4077-MWB

**ORDER REGARDING PLAINTIFF
AND DEFENDANT AMERICAN
POPCORN COMPANY'S JOINT
MOTION TO DISMISS**

This case is before me on plaintiffs David and Barbara Stults and defendant American Popcorn Co.'s Stipulation for Dismissal, With Prejudice As To American Popcorn Company (docket no. 122). Although the Stults and American Popcorn have labeled their filing as a stipulation for dismissal, presumably pursuant to Rule 41(a)(1), I construe the filing as a motion for voluntary dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(2), because the filing was not signed by all parties who have appeared in the case. *See, e.g., Williams v. Clarke*, 82 F.3d 270, 272 (8th Cir. 1996); *Woody v. City of Duluth*, 176 F.R.D. 310, 313 (D. Minn. 1997). No resistance to the motion has been filed. The Stults and American Popcorn's joint motion is granted and the Stults' claims against American Popcorn are dismissed with prejudice. The Stults and American Popcorn shall each bear their own costs.

IT IS SO ORDERED.

DATED this 9th day of April, 2013.



MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA